

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1179

Introduced by Jensen, 20

Read first time January 18, 2006

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the State Behavioral Health Council;
2 to amend sections 71-802, 71-814, and 71-820, Revised
3 Statutes Cumulative Supplement, 2004, and sections
4 71-815 and 71-816, Revised Statutes Supplement, 2005;
5 to eliminate the council; to provide powers and duties
6 for the Division of Behavioral Health Services; to
7 harmonize provisions; to repeal the original sections;
8 and to outright repeal section 71-813, Revised Statutes
9 Supplement, 2005.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-802, Revised Statutes Cumulative
2 Supplement, 2004, is amended to read:

3 71-802 The purposes of the Nebraska Behavioral Health
4 Services Act are to: (1) Reorganize statutes relating to the
5 provision of publicly funded behavioral health services; (2)
6 provide for the organization and administration of the public
7 behavioral health system within the department; (3) rename mental
8 health regions as behavioral health regions; (4) provide for
9 the naming of regional behavioral health authorities and ongoing
10 activities of regional governing boards; (5) reorganize and rename
11 the State Mental Health Planning and Evaluation Council, the State
12 Alcoholism and Drug Abuse Advisory Committee, and the Nebraska
13 Advisory Commission on Compulsive Gambling; ~~and create the State~~
14 ~~Behavioral Health Council;~~ (6) change and add provisions relating
15 to development of community-based behavioral health services and
16 funding for behavioral health services; and (7) authorize the
17 closure of regional centers.

18 Sec. 2. Section 71-814, Revised Statutes Cumulative
19 Supplement, 2004, is amended to read:

20 71-814 (1) The State Advisory Committee on Mental Health
21 Services is created. Members of the committee shall have a
22 demonstrated interest and commitment and specialized knowledge,
23 experience, or expertise relating to the provision of mental
24 health services in the State of Nebraska. The committee shall
25 consist of twenty-three members appointed by the Governor as

1 follows: (a) One regional governing board member, (b) one regional
2 administrator, (c) twelve consumers of behavioral health services
3 or their family members, (d) two providers of behavioral health
4 services, (e) two representatives from the State Department of
5 Education, including one representative from the Division of
6 Vocational Rehabilitation of the State Department of Education,
7 (f) three representatives from the Nebraska Health and Human
8 Services System representing mental health, social services, and
9 medicaid, (g) one representative from the Nebraska Commission on
10 Law Enforcement and Criminal Justice, and (h) one representative
11 from the Housing Office of the Community and Rural Development
12 Division of the Department of Economic Development.

13 (2) The committee shall be responsible to the State
14 ~~Behavioral Health Council~~ division and shall (a) serve as the
15 state's mental health planning council as required by Public
16 Law 102-321, (b) conduct regular meetings, (c) provide advice
17 and assistance to ~~the council~~ and the division relating to the
18 provision of mental health services in the State of Nebraska, (d)
19 promote the interests of consumers and their families, (e) provide
20 reports as requested by ~~the council or~~ the division, and (f) engage
21 in such other activities as directed or authorized by the ~~council~~
22 division.

23 Sec. 3. Section 71-815, Revised Statutes Supplement,
24 2005, is amended to read:

25 71-815 (1) The State Advisory Committee on Substance

1 Abuse Services is created. Members of the committee shall have
2 a demonstrated interest and commitment and specialized knowledge,
3 experience, or expertise relating to the provision of substance
4 abuse services in the State of Nebraska. The committee shall
5 consist of twelve members appointed by the Governor and shall
6 include at least three consumers of substance abuse services.

7 (2) The committee shall be responsible to the ~~State~~
8 ~~Behavioral Health Council~~ division and shall (a) conduct regular
9 meetings, (b) provide advice and assistance to ~~the council~~ and the
10 division relating to the provision of substance abuse services in
11 the State of Nebraska, (c) promote the interests of consumers and
12 their families, (d) provide reports as requested by ~~the council or~~
13 the division, and (e) engage in such other activities as directed
14 or authorized by the ~~council~~ division.

15 Sec. 4. Section 71-816, Revised Statutes Supplement,
16 2005, is amended to read:

17 71-816 (1) The State Advisory Committee on Problem
18 Gambling and Addiction Services is created. Members of the
19 committee shall have a demonstrated interest and commitment and
20 specialized knowledge, experience, or expertise relating to the
21 provision of problem gambling and addiction services in the
22 State of Nebraska. The committee shall consist of twelve members
23 appointed by the Governor and shall include at least three
24 consumers of problem gambling or addiction services.

25 (2) The committee shall be responsible to the ~~State~~

1 ~~Behavioral Health Council~~ division and shall (a) conduct regular
2 meetings, (b) provide advice and assistance to ~~the council~~ and
3 the division relating to the provision of problem gambling
4 and addiction services in the State of Nebraska, (c) evaluate
5 applications for funding from the Compulsive Gamblers Assistance
6 Fund and make recommendations relating to disbursements from the
7 fund, (d) promote the interests of consumers and their families,
8 (e) provide reports as requested by ~~the council~~ ~~or~~ the division,
9 and (f) engage in such other activities as directed or authorized
10 by the ~~council~~ division.

11 Sec. 5. Section 71-820, Revised Statutes Cumulative
12 Supplement, 2004, is amended to read:

13 71-820 The behavioral health implementation plan required
14 under section 71-819 shall be consistent with the Nebraska
15 Behavioral Health Services Act and shall include, but not be
16 limited to, a detailed description of all completed, current, and
17 proposed activities by the division to:

18 (1) Select and appoint an administrator, chief clinical
19 officer, program administrator for consumer affairs, and other
20 staff within the division;

21 (2) Implement necessary and appropriate administrative
22 and other changes within the Nebraska Health and Human Services
23 System to carry out the Nebraska Behavioral Health Services Act;

24 (3) Describe and define the role and function of the
25 office of consumer affairs within the division;

1 (4) Describe and define the relationship between the
2 division and regional behavioral health authorities, including,
3 but not limited to, the nature and scope of the coordination and
4 oversight of such authorities by the division;

5 (5) Encourage and facilitate the statewide development
6 and provision of an appropriate array of community-based behavioral
7 health services and continuum of care for both children and adults
8 and the integration and coordination of such services with primary
9 health care services;

10 (6)(a) Identify persons currently receiving regional
11 center behavioral health services for whom community-based
12 behavioral health services would be appropriate, (b) provide
13 for the development and funding of appropriate community-based
14 behavioral health services for such persons in each behavioral
15 health region, (c) transition such persons from regional centers
16 to appropriate community-based behavioral health services, (d)
17 reduce new admissions and readmissions to regional centers, and (e)
18 establish criteria, procedures, and timelines for the closure of
19 the Norfolk Regional Center and the Hastings Regional Center and
20 policies and procedures for the recruitment, retention, training,
21 and support of regional center employees affected by such closures;

22 (7) Integrate all behavioral health funding within the
23 Nebraska Health and Human Services System and allocate such funding
24 to support the consumer and his or her plan of treatment;

25 (8) Establish (a) priorities for behavioral health

1 services and funding, (b) rates and reimbursement methodologies
2 for providers of behavioral health services and draft negotiated
3 rulemaking policies and procedures for the development and
4 implementation of such methodologies, and (c) fees to be paid
5 by consumers of behavioral health services, which fees shall not
6 exceed the actual costs of providing such services;

7 (9) Access additional public and private funding for the
8 provision of behavioral health services in each behavioral health
9 region, including additional federal funding through the medical
10 assistance program established in section 68-1018, and establish
11 programs and procedures for the provision of grants, loans, and
12 other assistance for the provision of such services;

13 (10) Encourage and facilitate activities of ~~the State~~
14 ~~Behavioral Health Council~~ and the advisory committees making up
15 ~~such council created in sections 71-814 to 71-816~~; and

16 (11) Promote activities in research and education to
17 improve the quality of behavioral health services, the recruitment
18 and retention of behavioral health professionals, and the
19 availability of behavioral health services.

20 Sec. 6. Original sections 71-802, 71-814, and 71-820,
21 Revised Statutes Cumulative Supplement, 2004, and sections 71-815
22 and 71-816, Revised Statutes Supplement, 2005, are repealed.

23 Sec. 7. The following section is outright repealed:
24 Section 71-813, Revised Statutes Supplement, 2005.